

FLORIDA OFFICIALS INDICATED THEY WOULD APPEAL

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(CIABOOK)

RICHMOND, VA. (UPI) -- A LAWYER HIRED BY THE DIRECTOR OF A CIA-MONITORING GROUP DOES NOT HAVE A 'STRONG, DEMONSTRATED NEED' TO BE SHOWN SENSITIVE MATERIALS THAT WERE DELETED FROM A BOOK ABOUT THE AGENCY, A FEDERAL APPEALS COURT RULED TODAY.

MORTON HALPERIN, WHO WAS EMPLOYED BY THE NATIONAL SECURITY COUNCIL UNDER HENRY KISSINGER AND CURRENTLY RUNS THE NATIONAL SECURITY STUDIES CENTER, WANTED TO DISCLOSE THE MATERIALS TO MARK LYNCH SO LYNCH COULD ASSIST HIM IN PREPARING EXPERT WITNESS TESTIMONY.

HOWEVER, A THREE-JUDGE PANEL OF THE 4TH U.S. CIRCUIT COURT OF APPEALS REVERSED A LOWER COURT DECISION AND SAID LYNCH DID NOT HAVE A DEMONSTRATED NEED FOR THE MATERIAL NOR DID HALPERIN SHOW WHY LYNCH SHOULD SEE THE SENSITIVE ITEMS.

HALPERIN, WHEN HE WAS EMPLOYED BY THE NSC, TESTIFIED AS AN EXPERT WITNESS IN A SUIT AGAINST THE CIA FILED BY THE ALFRED A. KNOPF PUBLISHING HOUSE.

KNOPF HAD SUED THE AGENCY BECAUSE IT FORCED DELETIONS FROM A BOOK BY FORMER AGENT VICTOR MARCHETTI, ENTITLED "THE CIA AND THE CULT OF INTELLIGENCE".

HALPERIN WAS PERMITTED ACCESS TO THE MATERIAL THE AGENCY ORDERED DELETED, BUT HE WAS BOUND BY A PROTECTIVE ORDER NOT TO TELL ANYONE ELSE ABOUT THEM.

THE PUBLISHING COMPANY'S ATTEMPT TO GET THE DELETED SECTIONS INTO THE BOOK FAILED.

THE CENTER FOR NATIONAL SECURITY STUDIES AND ITS LIBRARIAN, MONICA ANDRES, FILED SUIT LAST YEAR IN U.S. DISTRICT COURT IN ALEXANDRIA, VA., TO GET THE DELETED MARCHETTI ITEMS UNDER THE FREEDOM OF INFORMATION ACT.

HALPERIN, AS THE CENTER'S DIRECTOR, ASKED TO HAVE THE PROTECTIVE ORDER IMPOSED AGAINST HIM IN THE KNOPF CASE RELAXED SO HE COULD CONSULT WITH LYNCH.

HALPERIN SAID HE WANTED TO APPEAR AS AN EXPERT WITNESS IN THE LIBRARIAN'S CASE AND HE WANTED LYNCH'S ASSISTANCE.

THE LOWER COURT GRANTED THE RELAXATION, BUT SAID LYNCH HAD TO OBTAIN A SECURITY CLEARANCE FROM THE CIA BEFORE CONSULTATION. THE GOVERNMENT APPEALED THE DECISION.

IN ITS RULING FRIDAY, THE COURT SAID DISCLOSURE TO ONE MORE PERSON, EVEN A CIA-CLEARED PERSON, MAY SEEN OF 'NO GREAT MOMENT, BUT INFORMATION MAY BE COMPROMISED INADVERTENTLY AS WELL AS DELIBERATELY.'

THE CENTER AND THE LIBRARIAN LOST THEIR INFORMATION ACT SUIT, BUT HAVE APPEALED. HOWEVER, THE THREE-JUDGE PANEL SAID IT SEES NO REASON TO RELAX HALPERIN'S PROTECTIVE ORDER IN THE FUTURE BECAUSE OF THE PENDING APPEAL.

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